



**Zoning Board of Appeals Minutes
Tuesday, September 21, 2021
5:30 P.M. – City Council Chambers, 2nd floor, City Hall
425 East State Street
Rockford, IL 61104
779-348-7423**

Present:

ZBA Members:

Dan Roszkowski
Kim Johnsen
Jennifer Spencer
Craig Sockwell
Jennifer Smith
Tom Fabiano
Maurice Redd

Absent:

Staff:

Megan McNeill - City Attorney
Leisha Kury - Administrative Assistant
Scott Capovilla - Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Jeremy Carter - Traffic Engineer

Others:

Linda D Hansen-Court Stenographer (Hansen Recording)
Mark Bonne - Alderman
Frank Beach - Alderman
Applicants and Interested Parties

Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

- The Chairman will call the address of the application.
- The Applicant or Representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer.

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party.
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, September 27, 2021, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, October 4, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, **October 19, 2021**. If for any reason the item is laid over at the committee level or on the City Council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:37 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the August 17, 2021 meeting minutes. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0 with Maurice Redd abstaining.

ZBA 003-21

Applicant
Ward 1

111 South Perryville Road

Lamar Advertising

Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District (**Referred back to ZBA by City Council**) **Laid over from July & August**

Prior to the meeting, the applicant requested a layover for this item.

A **MOTION** was made by Jennifer Smith to **LAYOVER** a Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

ZBA 024-20

Applicant

Wards 5 & 11

311 15th Avenue, 1706 Magnolia Street, 1611 & 1711 Seminary Street

Attorney Sherry Harlan for International Women's Baseball Center and Rockford Park District

Special Use Permit for a Planned Unit Development for a museum campus, activities center, baseball field and parking lot in an I-1, Light Industrial Zoning District and R-2, Two-family Residential Zoning District **Laid over from July & August**

Prior to the meeting, the Applicant's Attorney submitted new information and wanted to have it accepted for the record.

A **MOTION** was made by Kim Johnsen to **APPROVE** the new information submitted. The Motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 7-0.

The board had tabled this item last month to give them time to absorb and review all the information that was presented. Chairman Dan Roszkowski opened the floor for discussion on this item. Kim Johnsen stated

she took time reading through the letters, reports and looking through the past aerial of the property throughout the years. Ms. Johnsen sympathized to the memories of which many of the families have regarding Beyer Field and keeping it the way it is. Ms. Johnsen said, looking at Beyer Field, it has changed through the years many times in a historic perspective.

Jennifer Spencer stated she agrees with Kim Johnsen statement. Ms. Spencer stated she appreciates the extra time they took to re-read the reports and it made her understand more of the evolution of this project. Ms. Spencer stated she realized the two parties are not getting along and hoping they do.

Maurice Redd stated he does not see why they would not be able to work together on this project as they could collaborate to make something happen. Maurice stated Rockford needs this development especially in this area.

Tom Fabiano stated this is a land use issue and is permissible.

A **MOTION** was made by Kim Johnsen to **APPROVE** a Special Use Permit for a Planned Unit Development for a museum campus, activities center, baseball field and parking lot in an I-1, Light Industrial Zoning District and R-2, Two-family Residential Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a Building Permit for Staff review and approval establishing the museum camps and parking lot
3. Submittal of a detailed landscaping plan including type of species and sizes for Staff's review and approval.
4. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval if a dumpster is to be provided.
5. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
6. Must obtain separate permits for signage and any sign must be constructed in accordance with plans approved by Staff.
7. Submittal of a final subdivision plat for staff's review and approval.
8. The Historic Beyer Ticket house and Steps to the field cannot be altered or changed without the approval of the Rockford Historic Preservation Commission.
9. All conditions must be met prior to establishment of use

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT FOR A MUSEUM CAMPUS, ACTIVITIES CENTER,
BASEBALL FIELD AND PARKING LOT
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
AND R-2, TWO-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 311 15TH AVENUE, 1706, 1710 MAGNOLIA STREET
1611, 1711 SEMINARY STREET**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the I-1 and R-2 District in which it is located.

ZBA 039-21

Applicant
Ward 1

280 North Perryville Road

Gabriela Mosquera of Interplan LLC for Chick-fil-A, Inc.

Variation to reduce the front yard setback from 50 feet to 30.5 feet to allow a freestanding canopy over the drive-through lanes along North Perryville Road in a C-2, Limited Commercial Zoning District

Attorney Donna Brown, was present along with the operator of Chick-fil-A, Philip Evermett. Attorney Brown stated they are requesting to install a canopy that will be design to go over the drive-thru lanes where the menu boards are currently. The two menu boards they currently have come with two small canopies, which protect the cars when ordering. Attorney Brown stated at this location there has been numerous issues during peak times when the employees are not able to be outside taking orders face to face. During this time, traffic does back up to the curb cut into the Lowes parking lot and sometimes far at the intersection of Argus Drive and Perryville Road. Attorney Brown stated installing the canopy will allow the employees to be outside taking orders, safe from the elements and keep the traffic moving. Attorney Brown stated they are requesting a reduced setback to 30.5 feet from the platted 50 feet. Attorney Brown stated the layout of the drive thru will remain the same along with the landscaping. This setback request is only for the canopy. There will not be any modifications proposed for the main building and it will only be for the construction of the canopy. Operator Philip Evermett stated the current canopy just protects the cars ordering at the menu board. This canopy over the drive-thru lanes will allow their employees to take as many orders as they can and to keep traffic moving. They have found that having their employees outside has made a tremendous effect in keeping traffic moving, as they are able to take six orders at a time. This canopy will protect their employees for all season weather.

Craig Sockwell asked if the employees will be standing underneath the canopy or will they walk further north and then be underneath the canopy. Mr. Evermett responded it can be a mix of both, but primarily be underneath the canopy as much as possible. The most sufficient way is taking as many orders up the line as the traffic goes around the building. They would only step outside the canopy just until those cars move. Attorney Brown responded that employees are currently taking orders outside on a daily basis, especially during peak times. Mr. Sockwell asked if this will allow the orders to be expedited. Attorney Brown responded that was correct, and it would eliminate them taking the incorrect order.

Maurice Redd asked how many workers are typically outside taking orders. Mr. Evermett responded it would depend on the demand. On a slow day it would be three employees taking orders and sometimes as many as eight people outside at different times of the day.

Staff Recommendation was for Denial. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** a Variation to reduce the front yard setback from 50 feet to 30.5 feet to allow a freestanding canopy over the drive-through lanes along North Perryville Road in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Should the current occupant leave the building, the canopy must be removed.
3. All conditions must be met prior to issuance of permit.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO
REDUCE THE FRONT YARD SETBACK FROM 50 FEET TO 30.5 FEET TO ALLOW A FREE-
STANDING CANOPY OVER THE DRIVE-THROUGH
LANES ALONG NORTH PERRYVILLE ROAD
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT AND
LOCATED AT 280 NORTH PERRYVILLE ROAD**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 040-21

Applicant
Ward 14

803 South Mulford Road

Shyam Ahuja

Special Use Permit for a Planned Unit Development for indoor residential self-storage warehouses in an R-1 Single-family Residential Zoning District and a C-1, Limited Office Zoning District

The applicant, Shyam Ahuja was present. Mr. Ahuja stated he is requesting a self-storage unit in an R-1 Zoning District and a C-1, Zoning District. The self-storage will consist of ten (10)-5 feet by 10 feet units, eighty-eight (88)-10 feet by 10 feet units, eighty-eight (88)-10 feet by 15 feet units, and sixty-two (62)-10 feet by 20 feet units. This type of business will help the people around the area. The property will have a gate to be able to enter and exit. Each unit will have their own key to their own storage unit. There will be lights added as well to give the property a safer experience.

Jennifer Smith asked if on the site plan, the blue squares represent the office. Mr. Ahuja responded yes, that way you can see who is coming in. Ms. Smith asked how many parking spaces are in front of the property. Mr. Ahuja responded 8-10 parking spaces.

Kim Johnsen asked if the email that was sent to staff on the business plan, stated his hours would be from 6:00 am to 9:00 pm. Mr. Ahuja responded yes, it would run until 10:00 pm during the summer and during the winter until 9:00 pm. Ms. Johnsen asked if he plans to cut down all the trees. Mr. Ahuja responded yes, they want the area to be cleared out and make it look nice. Ms. Johnsen stated staff has a concern about the lights being on all night, and not being sensor lights. Mr. Ahuja responded the lights would be on all night. Scott Capovilla responded these type of lights would typically be seen in an industrial or commercial zoning district but not for residential.

Staff Recommendation was for denial. Objectors and interested parties were present.

Ron Stephan spoke against this proposal. Mr. Stephan stated he has lived at 814 Phelps Ave for over 53 years. He is opposed to the change of zoning and construction of self-storage units. Mr. Stephan stated there would be a significant impact on the water run-off in the area. Large buildings such as the self-storage unit would impact the existing problem. The storage units would involve the security lighting to be on all night and these lights are as bright as a football stadium. Mr. Stephan stated having a storage unit at this location would involve frequent traffic and noise all day and night.

Michael Rossella spoke against this proposal. Mr. Rossella stated he is the owner of the two properties, located at 995 and 903 South Mulford Road. Mr. Rossella stated his first concern is due to the increased water run-off after heavy rains. The storage units would impact property values such as selling his property in the future. Mr. Rosella stated he is concerned about the safety of the unknown hazardous materials that can be stored in these units along with the light pollution to the neighborhood. Mr. Rossella stated a storage unit could be used as a temporary home or a meeting place for illegal activities.

Linette Hultman spoke against this proposal. Ms. Hultman stated she is against this proposal due to the heavy runoff of storm water. She stated she currently is renting a self-storage unit and this unit is located in a commercial zoning district. At that storage unit, you have access to go in and out, but the one on Mulford would not have the second access. She stated she would not be comfortable have football stadium lights shining thru her windows. Ms. Hultman sated she is not comfortable, living next door to a facility where people are coming and going.

Alderman Mark Bonne spoke against this proposal. Alderman Bonne stated this project would not fit in this residential area and would like the board members to deny this request.

A **MOTION** was made by Tom Fabiano to **DENY** Special Use Permit for a Planned Unit Development for indoor residential self-storage warehouses in an R-1 Single-family Residential Zoning District and a C-1, Limited Office Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 7-0.

**FINDINGS OF FACT FOR DENIAL OF A SPECIAL USE PERMIT FOR
A PLANNED UNIT DEVELOPMENT FOR INDOOR
RESIDENTIAL SELF-STORAGE WAREHOUSE
IN AN R-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT AND
A C-1, LIMITED OFFICE ZONING DISTRICT
LOCATED AT 803 SOUTH MULFORD ROAD**

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to and endanger the public health, safety, morals, comfort and general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the R-1 and C-1 Districts in which it is located.

ZBA 041-21

Applicant
Ward 9

3427 North Rockton Avenue

Brisa Berumen-Dixon

Special Use Permit for a Planned Unit Development consisting of Non-Emergency Medical Transportation office and transportation vehicles in an R-3, Multi-Residential Zoning District

The applicant, Brisa Berumen-Dixon, was present along with her husband Delvin Dixon. Ms. Dixon stated she owns a Non-Emergency medical transportation service that specializes in wheel chair transport. They service Winnebago and Boone County. Ms. Dixon stated they purchased this property in order to run their business along with housing their vehicles. The hours of operation for the property will be Monday through Friday 8:00 am to 5:00 pm.

Jennifer Spencer asked if she could explain more of the parking lot that is located on the south of the property. Ms. Dixon asked if she is referring to the parking lot that is established. Ms. Spencer responded the new one proposed to the south. Ms. Dixon responded that in the future they would like to build a building her to house their vehicles. Ms. Dixon stated as their business grows, this property would allow them to house more of their vehicles in the future.

Dan Roszkowski asked how many vehicles will be on the property. Mrs. Dixon responded she currently owns five vehicles and the company desperately needs more.

Kim Johnsen asked if they are seeing a high demand for their service. Ms. Dixon responded they are currently doing 90 trips a day, Monday through Friday. The community they serve are the dialysis patients, chemo radiation patients, and the elderly. They also service individuals who need to go to Chicago to see

a specialist. Ms. Johnsen asked how many drivers they currently have. Ms. Dixon responded eleven, with two in training.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** Special Use Permit for a Planned Unit Development consisting of Non-Emergency Medical Transportation office and transportation vehicles in an R-3, Multi-Residential Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a Building Permit for a "Change of Use" for the Non-Emergency Medical Transportation office and transportation vehicles.
3. Submittal of a landscaping plan for the Special Use Permit in accordance with the City of Rockford Ordinances including a Type A Landscaping Buffer throughout the development for Staff review and approval.
4. Submittal of Parking Lot Permit and Stormwater Management Applications for the parking lot construction to Staff review and approval
5. Submittal of a Building Permit for the proposed 275 feet by 55 feet detached garage and construction documentation from a licensed design professional (i.e. Architect), licensed in the State of Illinois.
6. Submittal of Architectural Designs for the detached garage building elevations for Staff review and approval.
7. Sidewalk must be installed along Halsted Road for the entire length of the property before the construction of the detached garage.
8. The freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
9. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF NON-EMERGENCY
MEDICAL TRANSPORTATION OFFICE AND TRANSPORTATION VEHICLES
IN AN R-3, MULTI-RESIDENTIAL ZONING DISTRICT
LOCATED AT 3427 NORTH ROCKTON AVENUE**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the R-3 District in which it is located.

ZBA 042-21

Applicant
Ward 14

215 Easton Parkway

Attorney Ann Dempsey for Remedies Renewing Lives, Inc.
Modification of Special Use Permit #045-19 to remove condition for multi-purpose circulation path easement in an R-4, Multi-family Residential Zoning District

Attorney Ann Dempsey was present, along with Remedies President Gary Halbach. Attorney Dempsey stated in 2019 Remedies applied for a special use permit for construction of a new building which has now been completed. However, one of the conditions of the special use permit was to establish an easement for a multi-use path. The path was to run north and south on the property between the two buildings. The surveyor stated this pathway cannot be safely constructed on the property as it cannot meet ADA requirements, as it would be too steep. Attorney Dempsey stated Remedies has other concerns as well as they operate a 24/7 domestic abuse shelter and there are safer alternatives for a path.

Staff Recommendation was for approval. Objectors and interested parties were present.

Alderman Mark Bonne spoke on behalf of this application. Alderman Bonne stated the reasons were already addressed by Attorney Dempsey and he would like the board members to approve this request. Alderman Boone stated he has worked with the public works department on alternatives for pedestrian and bicycle access in this area and believes they have come up with some reasonable alternatives.

A **MOTION** was made by Kim Johnsen to **APPROVE** Modification of Special Use Permit #045-19 to remove condition for multi-purpose circulation path easement in an R-4, Multi-family Residential Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

**FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF SPECIAL USE PERMIT #045-19
TO REMOVE CONDITION FOR MULTI-PURPOSE CIRCULATION PATH EASEMENT
IN AN R-4, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 215 EASTON PARKWAY**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the R-4 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities will be provided.

5. Adequate measures will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the R-4 Districts in which it is located.

ZBA 043-21

Applicant
Ward 9

3114 North Rockton Avenue

Attorney Andrew Vella for Jennifer Dominguez

Special Use Permit for a Planned Unit Development consisting of a banquet hall for parties and weddings in a C-1, Limited Office Zoning District

Attorney Andrew Vella was present, along with the owner Jennifer Dominguez. Attorney Vella stated Jennifer Dominguez has been in the decorative business for 3 to 4 years and she would like to use this current property to run her business. Attorney Vella stated the City had some issues regarding the fire sprinklers which have been checked and are working. There are currently security cameras in place as well. Previously, the property was a library and it has since been vacant. Attorney Vella stated Ms. Dominguez is willing to work with the City to figure parking around the Venue. If necessary, they can add up to 150 parking spaces.

Jennifer Smith asked if the pictures that were included on the report are real life pictures. Attorney Vella responded they are, along with a floor plan and proposed parking spaces. Ms. Smith asked if there is a kitchen at this location. Ms. Dominguez responded there is not. Ms. Smith asked if the catering would be brought in. Ms. Dominguez responded, yes.

Jennifer Smith asked if not having the sprinkler system is more of a safety concern, because looking at the inspection report, it does not state sprinkler as a violation. Mike Rotolo responded he is not sure of the history of the building but most recently was office space. Mr. Rotolo stated if this property will be an assembly space, it would most likely be required to have sprinkler system. Jennifer Dominguez responded they do have sprinkler system in place.

Staff Recommendation was for denial. No objectors or interested parties were present.

A **MOTION** was made by Kim Johnsen to **DENY** Special Use Permit for a Planned Unit Development consisting of a banquet hall for parties and weddings in a C-1, Limited Office Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 4-3.

FINDINGS OF FACT FOR DENIAL OF A SPECIAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF
A BANQUET HALL FOR PARTIES AND WEDDINGS
IN A C-1, LIMITED OFFICE ZONING DISTRICT
LOCATED AT 3114 NORTH ROCKTON AVENUE

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to and endanger the public health, safety, morals, comfort and general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-1 District in which it is located.

ZBA 044-21

Applicant
Ward

4130 Blackhawk Road, 5845 35th Street

Attorney Jim Rodriguez for Muslim Funeral Home of Rockford, Inc.
Zoning Map Amendment from County AG, Agriculture to City RE, Rural Estate and a Special Use Permit for a cemetery in an RE, Rural Estate Residential Zoning District

Attorney Jim Rodriguez was present, along with the applicant Khalid Siddiqui. Mr. Siddiqui is a medical doctor who has worked in the pediatrics unit for newborns since 1988. Attorney Rodriguez stated they are requesting approval for two requests for the property at 4130 Blackhawk Road and 5845 35th Street. It is currently one lot and located in unincorporated Winnebago County and they are working with staff on a pre-annexation agreement. One of the requests is to re-zone the property from agriculture to City Rural Estate zoning. The second request is for a special use permit for a cemetery. On the south of the property, there will be an undeveloped acreage that will be reserved for future development. The cemetery will be on the north and is 5.5 acres in size. It will have access from 35th street and a 30' x 60' maintenance facility building along with a parking lot. The cemetery would be Muslim affiliated and there will not be any funeral services at this location. Funeral services would take place at the mosque. A black vinyl chain link fence will be installed around the site. They have not submitted a detailed landscape buffer, but that will develop the landscaping plan once this is approved.

Jennifer Spencer asked if they are working with staff on this 6-foot high fence. Attorney Rodriguez responded yes, they initially planned for a wood fence, but staff recommended a white vinyl fence. Both parties now agree to allow the black vinyl chain link fence

Staff Recommendation was for approval. Objectors and interested parties were present.

Kathy Malmquist had some questions regarding this proposal. Ms. Malmquist stated she is the only adjoining property owner to the cemetery. She currently has agriculture zoning on her 12 acre property. Ms. Malmquist stated if they do this cemetery, what would happen to her zoning. Attorney Rodriguez responded it would not affect her zoning. Ms. Malmquist asked how she would access her property since her and the seller of the property currently share access. Ms. Malmquist stated you have to go through the 10-acre Murphy property to get to her 5 acres. Attorney Rodriguez asked if her property was located directly to the west. Ms. Malmquist responded that is correct. Scott Capovilla responded that Ms. Malmquist property would not be annexed. Mr. Capovilla stated Ms. Malmquist may have to request a new access point from Cherry Valley Township as they control Blackhawk Road. Attorney Rodriguez stated they could establish an agreement where she can have access to the property via the cemetery land.

A **MOTION** was made by Kim Johnsen to **APPROVE** Zoning Map Amendment from County AG, Agriculture to City RE, Rural Estate and a Special Use Permit for a cemetery in an RE, Rural Estate Residential Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire codes.
2. Submittal of a detail landscape plan for staff's review and approval.
3. Submittal of a building elevation for the maintenance facility for staff's review and approval.
4. Submittal of a fence permit for staff's review and approval.
5. Any proposed signage must meet the requirements of the sign ordinance.
6. Future development of the vacant parcel will require a subdivision plat.

**FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM COUNTY AG, AGRICULTURE TO CITY RE, RURAL ESTATE ZONING DISTRICT
LOCATED AT 4130 BLACKHAWK ROAD, 5845 35TH STREET**

Approval of this Zoning Map Amendment is based upon the following findings:

- 1). The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with surrounding uses;
 - b. This proposal protects the character, scale and stability of the residential because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would not allow for a reasonable development to take place consistent with the RE zoning district.
- 2). The proposed Zoning Map Amendment is consistent with the approved general plan.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR A CEMETERY IN AN RE,
RURAL ESTATE ZONING DISTRICT
LOCATED AT 4130 BLACKHAWK ROAD, 5845 35TH STREET**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the RE District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the RE District in which it is located.

ZBA 045-21

Applicant
Ward 12

4830 and 4870 North Main Street and 48XX North Main Road

Constellation Restoration Specialists LLC

Special Use Permit for indoor residential self-storage warehouses and a parking lot in a C-2, Limited Commercial Zoning District

Attorney Jim Rodriguez was present, along with the applicant Miguel Granados. Attorney Rodriguez stated his client is asking for a special use permit for indoor residential self-storage warehouse and parking lot at 4830 and 4870 North Main Street. The property is currently vacant and is adjacent to another storage facility to the West. The property will have 228 storage units consisting of 46-5 feet by 10 feet units, 86-10 feet by 10 feet units, 46-10 feet by 15 feet units, 46-10 feet by 20 feet units, 2-10 feet by 30 feet units, and 2-10 feet by 40 feet units. The property will be under 24/7 video surveillance and staff on site from 8:00 a.m. to 8:00 p.m.

Craig Sockwell asked if there will be parking across the street. Attorney Rodriguez responded yes, there would be parking lot spaces on the north lot across the access road.

Staff Recommendation was for approval. Objectors and interested parties were present.

Steve Beers spoke against this proposal. Mr. Beers stated he is the owner of the U-Stor-It on the west side of the property. Mr. Beers stated this site has a slope to it and inquired if the site will be leveled or would they have to build up the pads. Whichever it may be, the drainage will be affected. Mr. Beers said the access drive will need to be repaved after the construction and he wants the applicant to assist in this cost. Mr. Beers stated he does not want the hookups for the water and sewer to interfere with his building.

Attorney Rodriguez stated they are willing to work with the property owner with his concerns and they can be addressed.

Jennifer Spencer asked who owns the access point. Attorney Rodriguez responded he is not sure, but it is a private access easement.

A **MOTION** was made by Kim Johnsen to **APPROVE** Special Use Permit for indoor residential self-storage warehouses and a parking lot in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a landscape plan with the required Shade Trees, Perimeter Landscaping, and Interior Landscaping with plant species and size for Staff's review and approval.
4. The property be developed as per revised site and landscaping plans.
5. Submittal of Building Elevations for Staff review and approval
6. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval if any dumpster are to be placed on the site.
7. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
8. No loading and unloading may occur in the front of the building on the service drive.
9. Large items may only be loaded and unloaded in the rear of the building.
10. Outdoor storage of boats, vehicles or other items is prohibited.
11. No outdoor auctions or sales may occur after customers are evicted or do not pick up items.
12. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
13. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR INDOOR RESIDENTIAL
SELF-STORAGE WAREHOUSES AND A PARKING LOT
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 4830 AND 4870 NORTH MAIN STREET AND 48XX NORTH MAIN ROAD**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the I-1 Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-2 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 8:19 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals